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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ELRADER BROWNING,  
  
Plaintiff,  
  
v.  
  
M. BURKHART, et al.,  
  
Defendants.

Case No. 1:21-cv-00041-HBK

ORDER TRANSFERRING CASE TO THE  
SACRAMENTO DIVISION OF THE  
EASTERN DISTRICT OF CALIFORNIA

Before the Court is Plaintiff Elrader Browning's *pro se* 42 U.S.C. § 1983 complaint filed on January 12, 2021. (Doc. No. 1). Plaintiff filed the complaint while he was incarcerated in Kern Valley State Prison. According to the allegations in the complaint, the events which give rise to plaintiff's claims took place while plaintiff was incarcerated in New Folsom/Sacramento State Prison (California State Prison- Sacramento). Because the events giving rise to the cause of action occurred in Sacramento County, which is within the venue of the Sacramento Division, plaintiff should have filed the complaint in the Sacramento Division of this court. *See* 28 U.S.C. § 1391(b)(1)-(2); *see also* *Ziegler v. Indian River County*, 64 F.3d 470, 474 (9th Cir. 1995) (reviewing federal court jurisdiction and venue in a § 1983 action). Pursuant to Local Rule 120(f), a civil action which has not been commenced in the proper court may, on the court's own motion, be transferred to the correct court. The court finds it in the interests of justice to transfer

1 this case under 28 U.S.C. § 1406(a).

2 Accordingly, it is **ORDERED**:

- 3 1. The Clerk of Court is directed to transfer this action to the Sacramento Division of the  
4 United States District Court for the Eastern District of California and close this case.
- 5 2. All future filings shall refer to the new Sacramento case number assigned and shall be  
6 mailed to United States District Court, Eastern District of California 501 "I" Street,  
7 Suite 4-200, Sacramento, CA 95814 for filing.

8  
9 IT IS SO ORDERED.

10 Dated: June 2, 2021

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE